Serial No. 10/723,223

Title: FLOOR CONSTRUCTION

Attorney Docket No. 156,003US01

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REMARKS

Claims 1, 3-8, 12, 14, 18-19, 21, 25, and 26 are currently amended. Claims 2 and 9-10 are currently canceled. The specification is amended to correct a typographical error. Applicant respectfully submits that the amendments contained herein are fully supported by the specification and drawings as originally filed and do not contain new matter.

Examiner's Interview

Applicant's representatives respectfully thank Examiner Laux for the courtesy of discussing the final Office action in a telephonic Examiner's interview on April 17, 2007. initiated by Applicant's representatives. During the interview, proposed amendments to claims 1 and 3 were discussed with respect to the rejection under 35 U.S.C. §112, second paragraph. The proposed amendment to claim 1 was further discussed with respect to new matter and support in the specification. The Examiner indicated that an additional drawing might be required in support of the proposed amendment to claim 1.

Applicant's representatives further thank Examiner Laux for the courtesy of discussing the final Office action in a telephonic Examiner's interview on April 24, 2007, initiated by Applicant's representatives. During the interview, the Examiner indicated that claim 18 is rejected under 35 U.S.C. § 102(b) as being anticipated by Jourdan (WO Patent No. 81/02384), as indicated on page 4 of the Office action. The Examiner also indicated that claim 18 should be deleted from the list of claims under the heading of allowable subject matter on page 5 of the Office action. As such, in the claim listing in the statement of allowable subject matter, 18-20 should be replaced by 19-20.

Claim Rejections Under 35 U.S.C. § 112

Claims 1, 3, 6, 9, 19, and 21 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, as currently amended, overcomes the rejection thereof under 35 U.S.C. §112, second paragraph. Claims 3, 4, 6, 19, and 21, as currently amended, overcome the rejection thereof under 35 U.S.C. §112, second paragraph. Claim 9 is canceled, mooting the rejection thereof.

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Claim Objections

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Claim 26 was objected to under 37 C.F.R. 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Claim 26, as currently amended, no longer depends from another multiple dependent claim. Therefore, the objection should be removed.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 3, 5-6, 12-13, 15-16, [18], 21, and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Jourdan (WO Patent No. 81/02384). Applicant respectfully traverses.

Claim 1, as currently amended, overcomes the rejection thereto under 35 U.S.C. §112, second paragraph, and includes the limitations of claim 2. Therefore, claim 1, as currently amended, is equivalent to claim 2 rewritten to overcome the rejection under 35 U.S.C. 112. second paragraph, and to include all of the limitations of the base claim (claim 1) and any intervening claims (none), which is indicated as being allowable below. Therefore, claim 1 is allowable.

Claims 12-13 and 15-16 depend from claim 1 and are thus allowable for at least the same reasons as claim 1.

Claim 4, as currently amended, overcomes the rejection under 35 U.S.C. 112, second paragraph, and includes all of the limitations of the base claim (claim 1) and any intervening claims (none) and is thus allowable as indicated below. Claims 5-6, 18, 21, and 25 depend from claim 4 and are thus allowable for at least the same reasons as claim 4.

Allowable Subject Matter

Claims 2, 4, 7-10, 14, 19-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. Applicant has amended claims 4, 7, 8, 14, and 18 as suggested by the Examiner. Applicant thus respectfully requests reconsideration and withdrawal of the objection. and allowance of claims 4, 7, 8, and 14.

Claims 19-20 depend from claim 4 and are thus allowable for at least the same reasons as claim 4. Claims 2 and 9-10 are canceled.

REPLY UNDER 37 CFR 1.116 –
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CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2208.

Respectfully submitted,

Date: 04-25-07

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